

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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|-----------------------------------|---|--------------------------------|
| ----- | X | |
| ZIONESS MOVEMENT, INC., | : | |
| | : | |
| Plaintiff, | : | <u>ORDER REGULATING</u> |
| | : | <u>PROCEEDINGS</u> |
| -against- | : | |
| | : | 21 Civ. 7429 (AKH) |
| | : | |
| THE LAWFARE PROJECT, INC., | : | |
| | : | |
| Defendant/ Third-Party Plaintiff, | : | |
| | : | |
| -against- | : | |
| | : | |
| ZIONESS MOVEMENT, INC. and AMANDA | : | |
| BERMAN, | : | |
| | : | |
| Third-Party Defendant. | : | |
| | : | |
| ----- | X | |

ALVIN K. HELLERSTEIN, U.S.D.J.:

On September 11, 2023, I held the final pre-trial conference and heard and ruled upon the following motions in the above-captioned matter. My rulings, with pro and con arguments, can be found in the transcript. They are summarized in this order.

Plaintiff's proposed order to show cause to enforce the settlement agreement is denied. Based on my review of the exhibits and after hearing argument from both sides, the parties did not reach a meeting of the minds on all material terms by plaintiff's deadline. Therefore, the agreement is not enforceable.

Plaintiff's request to seal all documents related to settlement negotiations is granted pursuant to FRE 408. All documents filed in relation to the motion proceedings are to be sealed in their entirety.

Defendant's motion to dismiss its third-party claims and counterclaims, except for its declaratory judgment actions, is granted with prejudice under Fed. R. Civ. P. 41(a)(1). Plaintiff is granted leave to seek legal expenses attributable solely to such claims and counterclaims.

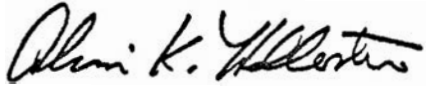
Defendant's motion to quash the trial subpoena served on Ms. Chinitz under Fed. R. Civ. P. 45(d)(3)(a) is granted. Plaintiff failed to establish the relevance of Ms. Chinitz's testimony under FRE 401.

Plaintiff's motions in limine are denied. Both sides may seek to admit the evidence they consider relevant. Adverse inferences, as previously held, will be part of my proposed jury instructions.

Trial is scheduled to commence on September 19, 2023 at 10 a.m. The Clerk is instructed to place all filings and associated exhibits at ECF Nos. 128, 129, 130, 131, 132, 138, 141, 142 under seal and as viewable only by the parties and the Court. The Clerk is instructed to terminate ECF Nos. 121, 123, 127, 135, 139.

SO ORDERED.

Dated: September 12, 2023
New York, New York


ALVIN K. HELLERSTEIN
United States District Judge